
By: **Delegate McIntosh**

Introduced and read first time: February 4, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Local Governments - Regulation of Residential Property for Rent or Lease -**
3 **Lead Risk Reduction Requirements**

4 FOR the purpose of requiring the owner of residential property that is rented or
5 leased to certify under certain circumstances to the local government that
6 regulates the residential property that the residential property is exempt from
7 or complies with certain requirements regarding lead risk reduction; applying
8 this Act to the regulation in any manner by a local government of residential
9 property that is rented or leased; authorizing a local government to forward to
10 the Department of the Environment any information obtained under this Act
11 regarding residential property; defining certain terms; and generally relating to
12 the regulation by local governments of residential property for rent or lease and
13 lead risk reduction requirements.

14 BY adding to
15 Article 24 - Political Subdivisions - Miscellaneous Provisions
16 Section 18-101 through 18-104, inclusive, to be under the new title "Title 18.
17 Regulation of Residential Property for Rent or Lease"
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Environment
22 Section 6-801(b), 6-803, 6-804, and 6-848.2
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 2003 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

1 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

2 TITLE 18. REGULATION OF RESIDENTIAL PROPERTY FOR RENT OR LEASE.

3 18-101.

4 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

5 (B) "AFFECTED PROPERTY" HAS THE MEANING STATED IN § 6-801(B) OF THE
6 ENVIRONMENT ARTICLE.

7 (C) "LOCAL GOVERNMENT" MEANS:

8 (1) A COUNTY; OR

9 (2) A MUNICIPAL CORPORATION.

10 (D) (1) "RESIDENTIAL PROPERTY" MEANS A BUILDING OR A PORTION OF A
11 BUILDING THAT PROVIDES COMPLETE LIVING FACILITIES FOR NOT MORE THAN ONE
12 FAMILY, INCLUDING, AT A MINIMUM, FACILITIES FOR COOKING, SANITATION, AND
13 SLEEPING.14 (2) "RESIDENTIAL PROPERTY" INCLUDES A SINGLE-FAMILY UNIT IN A
15 MULTIFAMILY DWELLING.

16 18-102.

17 THIS TITLE APPLIES TO THE REGULATION IN ANY MANNER BY A LOCAL
18 GOVERNMENT OF RESIDENTIAL PROPERTY THAT IS RENTED OR LEASED, INCLUDING
19 REGULATION BY THE ISSUANCE OR RENEWAL OF:20 (1) A LICENSE OR REGISTRATION TO AUTHORIZE THE OWNER OF
21 RESIDENTIAL PROPERTY TO ENGAGE IN THE BUSINESS OF RENTING OR LEASING
22 THE RESIDENTIAL PROPERTY;23 (2) A LICENSE OR REGISTRATION TO AUTHORIZE RESIDENTIAL
24 PROPERTY TO BE RENTED OR LEASED; OR25 (3) A CERTIFICATION THAT RESIDENTIAL PROPERTY THAT IS RENTED
26 OR LEASED IS IN COMPLIANCE WITH A LOCAL HOUSING, LIVABILITY, OR PROPERTY
27 MAINTENANCE CODE.

28 18-103.

29 BEFORE A LOCAL GOVERNMENT AUTHORIZES OR CERTIFIES RESIDENTIAL
30 PROPERTY TO BE RENTED OR LEASED, THE OWNER OF THE RESIDENTIAL PROPERTY
31 SHALL CERTIFY TO THE LOCAL GOVERNMENT UNDER PENALTY OF PERJURY THAT
32 THE RESIDENTIAL PROPERTY:

33 (1) IS NOT AN AFFECTED PROPERTY;

1 (2) IS AN AFFECTED PROPERTY AND IS CERTIFIED AS LEAD-FREE
2 UNDER § 6-804 OF THE ENVIRONMENT ARTICLE; OR

3 (3) IS AN AFFECTED PROPERTY AND IS IN COMPLIANCE WITH THE
4 REGISTRATION AND LEAD RISK REDUCTION REQUIREMENTS UNDER TITLE 6,
5 SUBTITLE 8, PARTS III AND IV OF THE ENVIRONMENT ARTICLE.

6 18-104.

7 IN ADDITION TO REPORTING AS REQUIRED UNDER § 6-848.2 OF THE
8 ENVIRONMENT ARTICLE ANY KNOWN NONCOMPLIANCE OF AN AFFECTED PROPERTY
9 WITH THE PROVISIONS OF TITLE 6, SUBTITLE 8 OF THE ENVIRONMENT ARTICLE, A
10 LOCAL GOVERNMENT MAY FORWARD TO THE DEPARTMENT OF THE ENVIRONMENT
11 ANY INFORMATION OBTAINED UNDER THIS TITLE REGARDING RESIDENTIAL
12 PROPERTY.

13 **Article - Environment**

14 6-801.

15 (b) (1) "Affected property" means:

16 (i) A property constructed before 1950 that contains at least one
17 rental dwelling unit; or

18 (ii) Any residential rental property for which the owner makes an
19 election under § 6-803(a)(2) of this subtitle.

20 (2) "Affected property" includes an individual rental dwelling unit within
21 a multifamily rental dwelling.

22 (3) "Affected property" does not include property exempted under §
23 6-803(b) of this subtitle.

24 6-803.

25 (a) This subtitle applies to:

26 (1) Affected property; and

27 (2) Notwithstanding subsection (b) of this section, any residential rental
28 property, the owner of which elects to comply with this subtitle.

29 (b) This subtitle does not apply to:

30 (1) Property not expressly covered in subsection (a) of this section;

31 (2) Affected property owned or operated by a unit of federal, State, or
32 local government, or any public, quasi-public, or municipal corporation, if the affected
33 property is subject to lead standards that are equal to, or more stringent than, the
34 risk reduction standard established under § 6-815 of this subtitle; or

1 (3) Affected property which is certified to be lead-free pursuant to §
2 6-804 of this subtitle.

3 6-804.

4 (a) Affected property is exempt from the provisions of Part IV of this subtitle
5 if the owner submits to the Department an inspection report that:

6 (1) Indicates that the affected property has been tested for the presence
7 of lead-based paint in accordance with standards and procedures established by the
8 Department by regulation;

9 (2) States that:

10 (i) All interior surfaces of the affected property are lead-free;

11 (ii) All exterior painted surfaces of the affected property that were
12 chipping, peeling, or flaking have been restored with nonlead-based paint; and

13 (iii) No exterior painted surfaces of the affected property are
14 chipping, peeling, or flaking; and

15 (3) Is verified by the Department accredited inspector who performed
16 the test.

17 (b) In order to maintain exemption from the provisions of Part IV of this
18 subtitle, the owner shall submit to the Department every 2 years a certification, by a
19 Department accredited inspector, stating that no exterior painted surface of the
20 affected property is chipping, peeling, or flaking.

21 6-848.2.

22 A local government agency shall report to the Department any known
23 noncompliance of an affected property with this subtitle.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2004.